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**ART. XVIII.**—*The Resources of the United States of America, or A View of the Agricultural, Commercial, Manufacturing, Financial, Political, Literary, Moral and Religious capacity and character of the American People. By John Bristed, Counsellor at Law.* Eastburn & Co. New York, 1818. pp. 505.

No science has received a greater share of attention in modern times, or has given rise to a greater variety of systems and parties, than political economy. It has been the favourite occupation of philosophers to investigate the elements of social happiness, and the causes of the greatness or decline of nations. Not content with admiring the fair proportions, and sound and healthy form a well-ordered commonwealth, they have laboured to dissect and lay open its whole internal structure, to trace to the fountain the life that quickens it, and to find out the secret of its strength. Nothing in the affairs of social man has escaped the diligence of their search. Every profession and craft, employed in ministering to want or luxury, has been examined in its connexion with the common good, and followed into its remotest effects. The principles of our nature have undergone a similar scrutiny. All the desires and passions, that impel man to act, have been considered in their relation, not merely to the moral condition of the individual, but to the general interests of society. Religion itself, which carries us to other scenes and other hopes, and reduces the most important concerns of life to the trifles of an hour; which points to the night and silence of the grave, as the not far distant end of all this noise, and bustle and commotion; religion itself, which seems to have so little concern with the earth-born hopes and restless contentions of men, is viewed and studied as one of the principal causes of national strength or weakness, and a chief agent in conducting a people to glory or wretchedness.

The labour bestowed in the cultivation of political philosophy has not been without its reward. The principles of that philosophy have been more clearly defined and more familiarly illustrated. From the greater number and more accurate observation of facts, its conclusions have been formed with greater certainty, and applied with more confidence to practice. Statesmen have acknowledged its authority, and have appealed to its lessons, whenever questions of na-

tional policy have been the subject of debate. It has not ended in cold and unmeaning speculation, but has embraced in its comprehensive beneficence every rank and class of men. It has taught the rich their dependence on the poor, and has increased the respect for the industrious orders of society, by shewing how important are their functions in upholding the national greatness and power. By demonstrating in how small a degree the accumulation of money contributes to national prosperity, it has diminished the pride of wealth. It has alleviated the burthens of the people by directing taxation to the least oppressive and most productive objects. In truth, it would be hardly too much to say of this philosophy, that it has disclosed a new power in society to promote the happiness, and moral elevation of its members. The end, to which it steadily aims, is the general diffusion of a spirit of order, decency and honest industry, to place within the reach of all the means of comfortable subsistence, and to make men happy and virtuous by the natural and easy development of their faculties and desires—*‘beata civium vita proposita est, ut opibus firma, copiis locuples, gloria ampla, virtute honesta sit.’*

It is not to be supposed that all the glory of this science belongs to modern times. Many of the questions, discussed by late political writers, have grown, it is true, out of new relations and circumstances. The extension of commerce, and the planting of distant colonies, have afforded subjects of inquiry and debate unthought of in ages a little remote. But the leading principles of political science may be found in the treatise of Aristotle. He maintains that wealth consists rather in productive industry, than in the possession of the precious metals. He distinguishes between value in use and value in exchange. He appears to have well understood and considered the benefits of a division of labour;\* the nature of money, as the medium of exchange; the difference between its intrinsic and its conventional value;† and the distinction of labour into two classes, the one terminating in itself and leaving no visible effect, the other, embodied in a permanent form in the house, or ship, or piece of cloth, about which it has been employed. With the economists of the present day, Aristotle gives the preference to agriculture over all other human employments. This sentiment indeed

\* Polit. Lib. II. ch. 2.

† Ethic. Lib. v.

was the almost necessary result of the limited and humble operations of commerce at that early period, and the very small space, which they occupied in the transactions of society.

The commercial system, on the other hand, sprang naturally from the multiplication of the objects of traffic, and the greater activity, variety and importance of commercial negotiations at the present day. To the writers of the commercial and economical sects, and still more to those who have detected and exposed the errors of both, the world is indebted for many new and ingenious speculations in political philosophy, and for much additional light on the interesting topics which it embraces.

The writers on statistics form a distinct class, whose labours have greatly assisted the progress of political philosophy by subjecting its theories to the test of experiment, and collecting those minute details, which correct the errors of former speculations, while they suggest new subjects of inquiry and lead to new and important conclusions. It would be difficult, indeed, to measure the extent of our obligations to those, who by painful research among archives and public documents—by gathering from obscure and widely scattered sources a great variety of facts, and by long and laborious calculation, have succeeded in giving us accurate information concerning the population, revenues, trade and manufactures of all the principal countries. The Germans have the merit of first reducing statistical science to a system, and teaching it in their universities. The example of elaborateness and accuracy, which their writers have given, has been followed by those of other nations; and there is perhaps no branch of study which, at the present day, can be considered more flourishing.

Until the late inestimable work of Mr. Pitkin, the United States were without any adequate statistical description. This has amply supplied the deficiency, and has laid a broad and permanent foundation of national statistics. Supposing from the title of Mr. Bristed's book, that he was treading on the same ground, we were at a loss to imagine, after so complete a view as Mr. Pitkin had presented, what necessity there could be for another. Our idea of a book of Resources was, that it must be something like that oldest statistical work on record, written entirely by the hand of Augustus, which Ti-

berius ordered to be brought forth and publicly read, while he amused the Roman senate and people with his modest pretence of refusing the imperial crown. In this, we are told, 'opes publicæ continebantur; quantum civium, sociorumque in armis; quot claves, regna, provinciæ, tributa aut vectigalia, et necessitates ac largitiones; quæ cuncta sua manu perscripserat Augustus.' But Mr. Bristed's preface soon set this matter right. We there learned that it was not his intention, 'to give a statistical view of the United States,' 'but merely to give a brief outline of their physical, intellectual and moral character, capacity and resources.' This, it is true, gave us no very distinct notion of the sort of fare we were to be entertained with, but we concluded, that so large a book could not be written without a design to instruct;—the words, 'Political, Literary, Moral, and Religious,' seemed to afford room for much interesting matter aside from mere statistics, and we therefore went on with an eager appetite for fact, and a resolution to derive our share of profit from 'the great mass of materials, facts, documents and state papers,' which the author had spent *eight* years in collecting. We believed that we were to have a general view of the religion, literature, laws and manners of our country, from which we should be able to form a more correct estimate both of the space we have passed in the career of improvement, and of what remains to be accomplished. We confess, we have been disappointed. Mr. Bristed's is not a book for learners. He has given us opinions, dissertations and declamations in abundance, but very little of fact or observation. He has amused us with fine speeches, and bold figures, and confident decisions, but he has seldom conducted us by sober and convincing argument to secure and tried conclusions, nor has he often enlightened us by the communication of what was not known before, or by new views of things already familiar. He seems unwilling to be at the pains to digest, and arrange his materials. He seizes the pen, and writes with the vehemence of a man, who is running a race, scattering, as he goes, things good and evil, without method or choice, himself mainly intent upon getting first to the goal. He discovers more zeal than patience, more strength than skill, more copiousness than order, and more vivacity than any thing else. For it is not to be denied, that he is sometimes sprightly and pleasant; tells a good story now and

then, and brings together words, that seem astonished to find themselves in so near a neighbourhood. There is besides, with few exceptions, a benevolence and good feeling, an attachment to old fashioned principles and wholesome doctrines, a regard for religion and law, and a solicitude to relieve the miseries, and improve the characters of men, which make us regret that the author has not done all, that he seems capable of doing.

We shall pass over Mr. Bristed's introductory remarks, his chapter on the territory, agriculture, &c. of the United States, and those on commerce, manufactures and finances. On neither of these subjects does he appear to have bestowed much attention. His statements are general, and where the authority is not given, they have too little the character of accuracy, to deserve any confidence.\* He refers to Pitkin for information as to such details, as are most important to be known, and if it were probable that this valuable work, the result of so much intelligence, labour and care, would by this means be brought to the knowledge of any, who otherwise would not have had recourse to its pages, we should think that for this alone Mr. Bristed deserved some commendation.

The fifth chapter, treats of our government, policy and laws. After some remarks upon the study of political economy, and upon the ancient systems of government, which he holds to be radically defective, he proceeds to transcribe the Federal Constitution, referring at the same time to analogous parts of the constitution of the several states, and discussing, as he finds convenient, their good or evil tendency. This is the only part of the work, in which we have been able to discover any thing like method, and here the order of

\* This is very conspicuous in his table of population for 1817, where he has given to New Jersey an increase from 1810 to 1817 of 100,260, while the increase from 1800 to 1810 was only 34,413; and to Connecticut, whose increase from 1800 to 1810 was 10,940, he has given an increase for the last seven years of 87,626. In the same page Mr. Bristed asserts, that 'the territorial extent of the state of New York is ten thousand square miles larger than all England and Wales taken together.' Mr. Spafford, in his *Gazetteer*, estimates the whole area of the state at 46,085½ square miles, including all the waters with half of Lake Champlain. The territory of England and Wales is stated by Hassel to be 57,531, and by Mr. Arrowsmith [*London Monthly Mag.* 1816, p. 157] to be 57,960 square miles, making a difference of more than 21,000 square miles from Mr. Bristed's statement, without deducting the waters of New York.

the constitution itself is closely followed. Mr. Bristed acknowledges at the outset his obligations to Mr. Smith, and indeed it will be found that the comparative views of the constitutions, and a large portion of the critical remarks, are drawn from the work of that gentleman.

Mr. Bristed begins with the legislative power, and his first complaint is against the frequency of elections. It is very easy to point out the evils connected with *too* frequent elections, but to determine the precise degree of frequency, that would be neither too much nor too little, will be found not free from difficulty. If annual elections are objected to, shall we substitute biennial or triennial, or shall we extend the period even to a greater number of years? It can hardly be said, that a representative chosen for two years will be more likely to be independent in his course of policy, than if chosen for one year. In either case, there must be a feeling of responsibility to the power that committed the trust. But if the representative be at all worthy of that trust, he will be more ambitious of the present applause of a few enlightened and dispassionate men, than solicitous about the clamours of the multitude. He will look beyond the present time, and proudly conscious of having done his duty, he will appeal with confidence to the event. Our own republic has furnished many triumphant examples of this contempt of popular clamour. But if, on the other hand, the representative be of that cringing disposition, that he will rather comply with the common delusion, than hazard his re-election, it is certainly far better, that he be re-elected for a short, than for a long term.

Nor are we quite sure, that there is not as much danger in a long, as in a short term of office. If the speedy recurrence to the people be alleged on the one hand, may not the stronger temptation be urged on the other? Who, for the chance of bearing the honours of office one year longer, will expose himself to self reproach, to the present contempt of the wise and good, and at last to the curses of the very men, who might flatter and extol him now?

The truth is, that the whole theory of our governments is founded on the assumption, that the people will have virtue and intelligence enough to select the good and wise, if not the best and wisest, for offices of trust and power; and that, however they may be carried away by a momentary passion or a strong delusion, they will ultimately return to sober and

practical good sense. If this assumption be wrong, then the whole system is also wrong. The principle pervades it too deeply and generally, to leave any hope of remedy, if there exist this unsoundness at the core. In making these remarks, we would not be understood to recommend very short terms of office, as salutary; nor to intend any thing more, than to shew that our existing institutions ought not at once to be condemned. With what degree of frequency the power entrusted to the people should again return into their hands, is a question deserving a fair and thorough trial. The popular doctrine has been supported by men of eminent wisdom and integrity, even in England.

At the time of passing the septennial act, we find Sir Robert Raymond, afterwards Lord Chief Justice, contending for frequent elections, as the best corrective of some of the evils, which Mr. Bristed has here imputed to them. 'An annuity,' he says, 'for seven years, deserves a better consideration than one for three; and those, that will give money to get into Parliament, will give more for seven, than for three years. Nothing will so effectually prevent expenses as annual parliaments; that was our ancient constitution, and every departing from it, is usually attended with great inconveniences.' *Parliamentary Debates*, vol. vi. p. 440. And again, (p. 442.) 'Is it reasonable any particular men should for a long time engross so great a trust exclusive of others? Can it be of advantage to the public, that the counties, cities and boroughs, should be long confined to those they have once chosen, their interests admitting of great variation in length of time? Frequent new parliaments are our constitution, and the calling and holding of them was for many ages the practice. Before the conquest, parliaments were held three times every year, at Christmas, Easter and Whitsuntide. In Edward 3d's time it was enacted, 'that parliament should be holden every year once, and oftener if need be.' This must be understood of new parliaments, for prorogations and long adjournments were not then known; they were never heard of till late years.'

Every form of government must have its evils, and in the popular form, the influence of the passions and prejudices of the people upon their representatives, the unsteadiness of councils and wavering policy, and the machinations of faction, are not among the least. But is their cause to be found in the frequency of elections?



We may add, that it is well known, that most of the provincial governments had an elective branch, re-elected with more or less frequency. After our independence was acquired, the habits, which had prevailed, were continued. They had become too deeply fixed to admit of change. In most of the New England states annual elections have prevailed from the first settlement of the country, and a proposal for biennial elections would probably be about as well received, as a proposal for biennial harvests.

Mr. Bristed also objects to the mode of voting by *ballot*, which is so generally adopted among us. We cannot enter into the discussion of this question. But if we mistake not, experience has proved that elections by *ballot* are much less liable to improper control, and far more orderly and quiet, than when the mode of *polling* is adopted. In New York, the constitution leaves it to experiment to decide, whether the mode by *ballot* should be continued, or the *viva voce* mode restored. The legislature of that state thought fit, after a fair trial, to adhere to the mode by ballot, and has thus given a strong practical testimony in its favour. As for the frauds, of which Mr. Bristed speaks, we do not believe in their existence to any alarming extent.

Universal suffrage; the qualification of property in the elected, required in many of the states; the exclusion of the clergy by some state constitutions, and of the executive officers by that of the United States, from seats in the legislature; and the wretched, wasteful system of half-paying the public servants, are also criticised by Mr. Bristed. But these we must pass over.

No part of the Federal Constitution has, in its practical effects, more completely vindicated the wisdom of those who contrived it, than the principle of rotation in the Senate. It is well calculated to unite with the smaller number, superior gravity, greater responsibility, and different mode of election of that branch of the legislature, in giving stability, consistency and foresight to our government and laws. We readily concur with Mr. Bristed in all the encomiums he has bestowed on it, and in regretting that so few of the state constitutions are guarded by a similar provision. The qualified negative vested by the constitution of the United States in the president, and by most of the state constitutions in the chief executive magistrate, either with or without a council, is also, and we think justly, a subject of Mr. Bristed's applause.

In noticing the several powers, which are expressly given to the Congress of the United States, Mr. Bristed is led to speak of changing the seat of government. He discusses this subject at greater length, and with more zeal, than seems to us consistent with the avowed purposes of his book, and delivers his opinion in terms so broad and confident, that, however we may agree with him generally in opinion, we must be allowed to hope, that he has here ascribed too important consequences to mere locality.

‘Indeed,’ he says, ‘it is almost impossible, that there ever can be a wise and efficient administration of the American government, while its seat continues at Washington; because no practical information upon any subjects of importance to the well-being of the community can be obtained there. If advice be wanted on any great political or commercial question, no advice can be had; for *no statesmen* or merchants reside at Washington; and neither public nor private libraries are to be found there; [Is there not a Congress library of several thousand volumes?] whatever wisdom is required must be derived from the members of Congress themselves. [Not quite a hopeless resort, we trust.] Add to this, that there is *no* weight of population, talents, property or character, to regulate and influence the discussions of Congress, so as to restrain that venerable body from *too often* enacting absurd and oppressive laws.’ p. 145.

A little before, Mr. Bristed had thus facetiously described our grave legislators.

‘These very congress-men consisting of forty senators, and about two hundred representatives, are, for the greater part, made up of farmers, tradesmen, mechanics, feeless physicians and unpractising lawyers, whose wages of legislation amount to six dollars a day during the session, while they sit brooding and engendering laws for the direction of the Union—these men, without equipages, nay, unattended by a single servant, annually wander up to Congress, from their respective districts, in steam boats, sloops and stages, and, during their session in the Federal City, are domiciled in boarding-houses.’ p. 142.

Now, let it be remembered, that this book is expressly designed to convey to the people of Europe more correct notions of the ‘resources and character’ of the United States—that it is the work of one, who, though a foreigner, has adopted this, as his country, who, for the most part, speaks

of us in high terms of praise, and whose unfavourable representations will of course be received as confessions—and then we would ask, if one of those Europeans, knowing nothing or very little about us, should read these passages, will he be likely to be assisted by them to form just conceptions of our character and condition; or will he rather exclaim, ‘if such be the governors, what must be the people?’ Will he suppose, that Washington is within a day’s ride of Baltimore and Richmond, and two days of Philadelphia, or will he suppose it ‘a lodge in some vast wilderness,’ remote from human habitation, and almost as difficult of discovery, though not quite so inviting when found, as that secluded nation described in the travels of *Gaudenzio de Lucca*? Will he not turn back with amazement to the declarations of a former page, that,

‘Humanely speaking, no circumstances can prevent these United States from becoming, eventually, and at no distant period, a great and powerful nation, influencing and controlling the other sovereignties of the world,’ (p. 1)—that ‘these vast territorial domains are held by a population free as the air they breathe—a population powerful in physical activity and strength; patient of toil and prodigal of life; brave, enterprising, intelligent and persevering; presenting, both in body and in mind, the noblest materials for the formation of national greatness, prosperity and influence’ (p. 2)—‘an enterprising, intelligent, spirited, aspiring people, that *must* be, ere long, and that *ought*, before this period, to have been, better known and more justly appreciated by the potentates and nations of Europe?’ p. 10.

The executive branch of the government comes next into view. Mr. Bristed, in common with all others who are friends to the original principles of the Federal Constitution, laments the change in the mode of electing the president and vice president, which was made by the twelfth article of the amendments; but he seems not to have understood the reason of the original provision. In requiring the ballots to be given for two persons, it was no doubt the intention, as far as was possible, to guard against any attempt on the part of large and influential states, to control the election. The electors must vote for two persons as president, one of whom must be an inhabitant of a different state from their own. It would of course generally happen, that the two persons voted for would not both be inhabitants of one state. Every

state must therefore necessarily have a competitor to the candidate it should support, and this division of the chance would make the temptation less to enter into any intrigue or cabal for the purpose of affecting the election of one of its citizens. For the same reason, in case of an equality of votes, the House of Representatives, on which the choice in such case fell, was to vote by states, and a majority of all the states was necessary to a choice. Nothing could have a stronger tendency to protect the smaller states, than these provisions ; and this, we conceive, to have been the object rather than a design to secure an equality of merit in the two officers.

The repeal of this clause was the first inroad made upon the constitution, and it was one of no small importance in its character and consequences.

The treaty-making power may be regarded as a distinct branch in the organization of our government, partly executive, and partly legislative in its character. It is worthy of remark, that while the limits of every other power are accurately defined, upon this there is no other restriction, than that which arises from the want of power in Congress to pass such laws as might be required for carrying the treaty into effect, or from the clauses in the Constitution expressly denying certain powers to the United States. Should a treaty, for instance, stipulate for the imposition of a duty on articles exported, it must be ineffectual ; but if it concede to the subjects of a foreign power a right to purchase and hold lands in any of the United States, this, though it repeals a very important part of the laws of every state, becomes at once ‘the supreme law of the land ;’ yet a law enacted by Congress to the same purpose would be altogether null, because it would exceed the powers vested by the constitution in that body. There are many judicial decisions, which recognise this paramount authority of treaties. It will be sufficient here to refer to the case of *Jackson vs. Wright*, reported 4 *John. Rep.* 75, in which an act of the legislature of New York was held inoperative, because opposed to the provisions of the treaty of 1794.

Thus by the clause, ‘he shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur,’ an unlimited legislative authority is vested in the president, and two thirds

of the Senate, excepting in cases expressly prohibited ; whereas the general theory of the constitution is, that all powers not expressly granted, or necessarily implied, are reserved to the states or to the people, and this general limitation of power is confirmed by an amendment. It is probable, that this power was thought to be sufficiently limited by its very nature and purpose ; and that, as it was impossible to foresee all the occasions of acting which our foreign relations might produce, it was esteemed most safe to leave the treaty-making power unembarrassed by any specific enumeration. Indeed it is not easy to see, in what manner this power can ever become oppressive or dangerous in its exercise, unless foreign corruption should find its way into our cabinet. Even in that case, it is suggested by the Federalist, that a treaty obtained by fraud would not be binding. But what court would have power to inquire into this fraud, and on that ground to refuse its respect to this ‘supreme law of the land ?’

A delicate and interesting question would arise, if a law of Congress should be passed conflicting with the provisions of a treaty. This could not well happen, while the president and Senate remained the same. But a change of men and of parties may bring about such an opposition after four or six years ; and in that case, we can hardly doubt, that the acts of that power, in the exercise of which the national faith is pledged, would be deemed of paramount authority.

Mr. Bristed thinks it a happy feature in our national constitution, that it has not compelled the president to consult with an executive council ; and he condemns such of our state constitutions as have placed their chief magistrate under the control of such councils. The mischiefs imputed to this arrangement are, that responsibility is destroyed by being divided among many, and that the executive is deprived of unity, decision and energy.

Of the next great branch of our government, the judiciary, Mr. Bristed tells us little more than is contained in the several clauses respecting it, which he transcribes from the constitution. After saying, that by the American law, both state and federal, the crime of treason works no forfeiture of property, or corruption of blood, (which, by the way is not altogether true, since treason against the state of Massachusetts is punished by forfeiture of all the offender's goods,

chattels and lands,) and kindly informing us, that some very able arguments in favour of the English doctrine of attainder may be found in Lord Hardwicke's 'Treatise on the Law of forfeiture,' and in Warburton's 'Divine Legation of Moses,' he proceeds to give the substance of 'some very valuable observations on the American Judiciary,' contained in Mr. Smith's 'Comparative View,' and in Mr. Chancellor Kent's introductory lecture, to his 'Course of Law Lectures.' We shall not follow him through these remarks, but shall only state, that the limitation of a judge's continuance in office to a certain prescribed age, found in the constitutions of New York and New Hampshire, is censured as cruel and absurd; that the salaries of the federal judges are pronounced, and we think very justly, to be insufficient; that the annual appointment of judges in Connecticut, Rhode Island and Vermont, is entitled with our most hearty concurrence 'a lamentable provision;' and that to make the judges removable otherwise than by impeachment is thought to endanger their independence.

The question, whether the courts of the United States can declare a legislative act void, which is repugnant to the constitution, has long since been at rest. Mr. Bristed, however, thinks proper to enter into a long argument to prove, that they ought to have this power. He would have done better, we think, if he had transcribed the admirably clear and conclusive reasoning of Chief Justice Marshall in the case of *Marbury vs. Madison*, (1 *Cranch's Rep.* 176.) He would have there found, that 'a legislative act contrary to the constitution is not law,' and of course, that he is in an error, when he says, as he does in page 189, that the federal judiciary, 'have no power to determine the validity of state statutes, by the provisions of state constitutions, that power belonging exclusively to the state judiciary.' If a statute repugnant to a state constitution is void, it can no more be respected as law by the courts of the United States, than by those of the state, especially as the former are directed by the judiciary act to make the laws of the several states in which they sit, the rules of their decision. But it is sufficient to refer to cases, in which this power has been exercised by the federal courts. They are *Terret vs. Taylor*, 9 *Cranch's Rep.* 55, in the Supreme Court of the United States, and *Society, &c. vs. Wheeler*, 2 *Gall. Rep.* 105, in the Circuit Court of the first Circuit.

There is another important error in page 192. Mr. Bristed there says ; ' in some of the states an *attachment* law prevails, under which a person, absent from the state, may have a judgment rendered against him, *that shall bind all his property all over the world*, without any personal notice being given to him, or any opportunity afforded for him to defend the suit ; which is a mode of proceeding contrary to the first principles of justice. This attachment law is in full force throughout *all the New England*, and many of the Southern and Western States.' This certainly is not true, as to any one of the New England states, the lien by attachment being in all of them confined to real property described in the officer's return, and to goods and chattels, which he takes into his actual custody. There is no correct information in Mr. Bristed's book, that will half compensate for this hasty and groundless imputation upon the character of our laws.

By way of conclusion to his remarks on the Constitution of the United States, Mr. Bristed inserts the plan of government prepared by General Hamilton. The leading features of this scheme are, that the senators and chief executive officer are to hold their offices during good behaviour ; all impeachments to be tried by a court, consisting of the chief justice of each state ; and the governor of each state to be appointed by the general government.

We have now accompanied Mr. Bristed through his ' summary of the provisions of the United States' Constitution,' in which we have been the more minute, because, if any part of the book has any value, we think it must be this. Yet we are at a loss to imagine, how any, whether citizens or foreigners, are to gather useful instruction concerning our government and laws from the pages we have been reviewing. They contain no facts connected with these subjects, which have not been before in a far more palpable shape, placed within the reach of all, who feel any interest to know them. Nor can we think it other than strange, considering the purpose for which Mr. Bristed professes to write, that he has given no account of the several departments of our government, their organization, duties and powers ; and has said not a word to help his readers to understand the manner, in which our revenues are collected, our commerce foreign and internal regulated, our territories governed, and the authority of the laws enforced in every part of our empire. He has

done about as much towards giving a correct knowledge of our government and laws, as one would do towards understanding a complicated machine, who should set before us only the moving power, without attempting to describe the wheels and springs, by which motion is communicated to every part, nor any of the minute operations which conspire to produce the intended effect. We are told, that Congress has power to coin money and to regulate its value; but we are no where informed, that any use has been made of this power. The mint establishment is not once alluded to. The same may be said of almost every other power, which is granted to the general government.

But it is a still more unaccountable omission, that so important a branch as the judiciary should be passed over with nothing more, than a mere detail of the constitutional provisions respecting it, a disquisition upon the independence of judges, a few remarks upon their power to decide according to the constitution rather than statutes, where they are opposed; and a hint at the questions, whether states can be sued, and whether there is any common law jurisdiction in the United States' Courts. It was incumbent on Mr. Bristed to do much more than this. He should not have left his readers in ignorance, that courts inferior to the Supreme Court have been erected, by which justice is dispensed in every part of the country. He should have explained, what to those who look on us only from a distance, must appear mysterious, the existence of two independent and co-ordinate judiciaries acting immediately upon the people in every state. He should have pointed out that singular feature in our judicial institutions, the union of common-law, chancery and maritime jurisdiction in one and the same court, so that it is often called upon to act in the three characters successively in a single day. The powers of the Supreme Court, both original and appellate, should have been described, as they actually exist and are exercised, under the laws passed by Congress in obedience to the constitution. It was the more necessary to do this, because it was very early held, that the Supreme Court derives no jurisdiction immediately from the constitution, but is invested by Congress with all the powers it possesses. That the constitution is imperative upon Congress to give all the powers specified, and that it can give no more, was not less important to be known, than the powers them-



selves. The single case of *Marbury vs. Madison* would convey a more complete knowledge of our judicial system, than the provisions of the constitution, with all Mr. Bristed's comments; and yet this case is but one among many, that might be quoted. Did Mr. Bristed think it unnecessary to say any thing more of our criminal code, than that 'it is much milder than that of England?' Did he think himself enlightening or instructing any one by this general declaration? But if we should attempt to give a catalogue of all Mr. Bristed's omissions, we should make a book, as large as the Resources. The truth, we suspect, is, that he finds it much easier to draw out long and verbose discussions, than by slow and patient toil to collect, arrange and communicate useful facts.

The following passage is a specimen of the loose, general and inaccurate character of most of Mr. Bristed's statements.

'The laws in this country generally favour the debtor at the expense of the creditor, and so far encourage dishonesty. The number of insolvents in every state is prodigious and continually increasing. They very seldom pay any part of their debts, but get discharged by the state insolvent laws with great facility, and secrete what property they please for their own use, without the creditor's being able to touch a single stiver.' p. 286.

But the deplorable picture of our state courts presented in the following paragraph, is something worse than general; it has no foundation in truth, and must be set down to the author's imagination, or to his propensity for broad and sweeping assertions.

'Throughout the separate states, whatever may be the mode of appointing or the official tenure of the superior judges, the justices and judges of the Common Pleas, and other inferior courts *are generally appointed during pleasure*, and receive their income from the fees of office; whence litigation is grievously encouraged among the poorer classes of the community, *and a horrible perversion of justice corrupts the whole body of the commonwealth.* p. 287.

Alas! for Mr. Bristed's adopted country, if this is to be believed! There is much reason to fear that all 'its physical capacities,' and 'prodigious capabilities' will hardly save it from ruin.

We shall not attempt, to trace Mr. Bristed through his long disquisition upon the radical weakness of our govern-

ment, which however is 'continually to increase in strength, the longer it lasts;' nor shall we so much as enumerate the opinions and arguments, philosophical, moral, political and historical, which are mixed up with occasional pleasantries, and many soaring rhapsodies, in the rest of this long chapter. Most of these have nothing to do with the main subject, but are honest and harmless. From this last remark, however, we must except the author's opinion more than once intimated, that it is for the interest of the United States to 'aggrandize' themselves by acquiring, no matter how, the Floridas, and the Spanish West India colonies. If it be true, as the author asserts, that 'Britain, during her late conflict with revolutionary France, offered either Cuba or St. Domingo to this country,' but Mr. Jefferson declined the offer, we applaud Mr. Jefferson for so doing; nor can we think, that he has thereby 'materially delayed the career of America towards the summit of national ascendancy and greatness,' (p. 246.) We are not yet quite so 'statesmanlike' as to hold governments absolved from the ties of moral justice; nor do we believe, that it is consistent with any enlightened policy for the United States to seek the possession of foreign colonies.

Several pages of this chapter are occupied with remarks on the study of the law, and advice to the American student. In noticing the several institutions and lectures for the study of jurisprudence, Mr. Bristed has omitted the Law Professorship and Law School recently founded at Harvard University.

In his chapter on the literature of the United States, Mr. Bristed has enumerated a great variety of reasons for our inferiority in this respect to the older nations of Europe. We think them, in general, just, and they are such as necessarily grow out of our social and political condition. In no departments however, which depend on the force of their own minds,—'quæ natura, non litteris, assecuti sunt'—can Americans be deemed deficient. This Mr. Bristed acknowledges, as well as the general diffusion of the most useful and necessary knowledge among all classes of our people. He says truly, that the best scholars among us are those, who are devoted to some other pursuit, and are chiefly ambitious of eminence, as divines, judges, lawyers or legislators. We have, at least, the consolation to perceive, that as the means of ed-

ucation are increased, the desire of becoming thorough scholars increases with them. Nor even against the influence of so many causes, have we been without some bright examples of science and erudition. One of these, now in the midst of his life and his studies, has been too celebrated for his researches in mathematics and astronomy, to be omitted with propriety in an account of the present state of our literature. The first philosophical society in Europe has recently pronounced its decision upon the value of his labours, by enrolling him among its members. We regret, that Mr. Bristed, while noticing our living authors, forgot to include Mr. Bowditch in the number.

It is true, that Mr. Bristed has cut short all objections of this sort by declaring, that it is not his intention, 'to notice all the writers, who have, by their talents and information, shed a lustre on the United States; but merely to mark out a few examples of different species of literary excellence.' But even this intention, limited as it is, is so imperfectly executed, as rather to mislead, than to instruct. If any of our publications are distinguished by classical purity of style, as well as depth and originality of thought, it is our sermons. These are altogether unnoticed, nor is theology mentioned as a branch of study, to which Americans have given any attention. It would hardly be discovered from Mr. Bristed, that we have any political writers of note, excepting Mr. Walsh. Even the 'Defence of the American Constitutions,' a work rich in learning and in the philosophy of government, and treating besides upon subjects, which occupy so many pages of Mr. Bristed's book, is passed over with the same silence, as if it had never existed.

The subject also required a more full account of our several literary societies and of their publications. We are only told, that 'there are learned societies in Boston, New York and Philadelphia, which have contributed, and are continually contributing much to the growth of intellect and information in the United States.'

Several of the statements contained in this chapter have occasioned us no little surprise, and we cannot but think, that they partake more of the spirit of some of those travellers, who are censured in the introductory remarks to this volume, than of that observing, philosophic temper, to which Mr. Bristed lays claim for himself.

His remarks on the use of books in our public libraries are of this character, but we shall pass them over, to notice some still more singular and extravagant misrepresentations. Who ever suspected, that in our schools, 'the use of the grammar is either exploded altogether, or very superficially taught.' Yet this is very gravely asserted by Mr. Bristed, [p. 322.] and he steps forth as the champion of syntax and prosody, to defend them against the conspiracy, which is about to depose them from their high place in the business of education, and to substitute the Dictionary, and Lexicon and Vocabulary in their stead. It must be allowed, that he puts forth a strong aim for their protection, and very clearly demonstrates, what very few have doubted, that without the study of grammar, languages cannot be thoroughly acquired. Yet so deep hold has this plot obtained of his imagination, that he gives up the cause in despair, and, in spite of all his efforts, anticipates the triumph of the anti-grammarians—'Nevertheless, we shall probably witness the abolition of grammar, as the basis of classical study in the United States.' [p. 326.]

We hardly need say, that we believe Mr. Bristed's fears on this head to be altogether groundless.

It is also quite new to us, and we believe will be so to most of our readers, 'that the Americans, all over the union, read Greek and Latin with the Scottish pronunciation'—and that the reason of this anomaly is, that 'ever since the country has been settled, the dead languages have been generally taught by Scottish schoolmasters and professors, who grafted their own mode of pronunciation upon the native stock of English in the United States.' (p. 337.) Now it is very well said, (p. 337.) that 'there appears to be no good reason, why the Americans, who, in general, pronounce the English language in greater purity, than the people of England, should violate all the analogies of their own living pronunciation, and ingraft into their classical utterance a foreign tone and accent borrowed from the Scottish;' and we beg leave to add, that there is no better reason for asserting that they have done so. The thing is not more unnatural, than it is untrue.

We can never forget, that all this is set down for the purpose of making us better known to the people of Europe. It is because, 'the Americans themselves have not yet told their

own story well ; nor sufficiently directed their mind towards fathoming the capabilities of their own country,' that Mr. Bristed kindly takes up the pen. We suspect our New Englanders, both male and female, will hardly thank him for such an introduction, as is contained in the following paragraph.

' This eloquence of the nose, rather than of the mouth, prevails greatly in New England, whose surplus population has long been spread annually over New York and the Western States; whence this mode of elocution is continually gaining ground throughout the Union. Its origin is supposed to be traced to the County of Kent in England, and it greatly resembles the nasal sing-song, or eternal chant of the few elder Scottish congregations, whether covenanters, or seceders, that are yet to be found in this country. Unfortunately our ears are saluted with these funereal sounds at the bar, from the pulpit, and *ex cathedra*, in the colleges. In common conversation also we meet them; and even the roseate lips of female loveliness occasionally condescend to call in the aid of the nasal organ to temper the sweetness of their silver tones.' p. 331.

But the clergy, we think, have the best reason to complain. They are charged with monopolizing the professors' chairs, and introducing a very low and imperfect system of education in our colleges. Lectures, it is said, 'on great general subjects' are seldom delivered there, because these monopolizing clergy are inadequate to the task of unfolding the principles of 'moral philosophy, metaphysics, political economy, history, belles lettres, and rhetoric.' Against this accusation we would raise our most solemn protest. If the professors' chairs are most often filled by clergymen, it is because they, by their talents and learning, by their retired habits, their exemplary lives, and their separation from the pursuits of ambition or of gain, are best qualified to fill them. Lectures in these branches are now, it is believed, delivered in our principal colleges, and if some of them have not been introduced till of late, the delay is to be attributed to the infancy of all our institutions.

We shall here leave Mr. Bristed's chapter on literature, adding merely, that it is correct only where it is useless.

We must confine ourselves to a very slight notice of the chapter 'on the habits, manners, and character of the United States.' We are better satisfied with some parts of this chapter, than with any other part of the book. It contains some

wholesome remarks on the influence of religion and morals, and describes, with a good degree of accuracy, both our virtues and our faults. The unhappy consequences of infidelity and atheism are strongly depicted, and some of our most valuable institutions of a charitable or religious nature receive their due share of praise. The following passage closes a view of the moral state of the world at the time when Christianity appeared.

‘Wherever Christianity spread its mild and benignant light, the waste and wilderness of life began to bloom as the paradise of God; the nations of the earth became purified and exalted in all their moral and intellectual faculties; they were freed from the fetters of political, social and domestic slavery; they were more advanced in skill and knowledge, more deeply versed in science, more accomplished in literature, more alive to industry and enterprise, more refined in all social intercourse, more adorned with every noble virtue and every polished grace, more benevolent to man, more devoted to God.’ p. 400.

The following is Mr. Bristed’s description of the habits and manners of New England; we insert it out of justice to him, as making some amends for passages before quoted.

‘In New England property is more equally divided than in any other civilized country. There are but few overgrown capitalists, and still fewer plunged into the depths of indigence. Those states are alike free from the insolence of wealth, on one hand, and the servility of pauperism on the other. They exhibit a more perfect equality in means, morals, manners and character, than has ever elsewhere been found. With the exception of Rhode Island, they all support religion by law; their numerous parish priests, all chosen by the people themselves, moderately paid, and in general, well informed and pious, are continually employed on the Sabbaths, and during the week days, in the instruction and amendment of their respective congregations; their elementary schools are established in every township, and perhaps not a native of New England is to be found, who cannot read and write and cast accounts. They live universally in villages, or moderately sized towns; and carry on their commercial, manufacturing, and agricultural operations, by the voluntary labour of freemen, and not by the compelled toil of slaves. In sobriety of morals and manners, in intelligence, spirit and enterprise, the New England men and the Scottish are very much alike.’ p. 420.

In this chapter, and in that on our laws and policy,

Mr. Bristed imputes to the poor laws much of the profligacy and misery, which are found among the lower classes of society. In connexion with this subject, he introduces very properly that of excessive drinking, a vice which is making a most alarming progress among us, and calls loudly for more effectual means of restraint, and still more, for some judicious scheme for saving the younger part of the community from its destructive influence. We are told (p. 440, 441,) that in the city of New York, there are *three thousand houses* licensed to sell spirituous liquors, while in London, containing twelve times the population, there are no more than *four thousand two hundred and twenty*.

We have the fullest belief in the injurious effects of slavery upon the morals and habits of a people; but its tendency, in those parts of our country where it exists, is in some measure counteracted by their political connexion with other states exempt from this evil. The city of Charleston, especially, is distinguished for a refinement of manners, and a proficiency in all the arts and charities of social life, which must throw suspicion upon every tale like the following.

‘In South Carolina, the negro slaves are, by law, *burned alive* for the crimes of arson, burglary and murder. So lately as the year 1808, two negroes were actually burned alive, *over a slow fire*, in the midst of the market place in the city of Charleston.’ p. 155.

We have inquired into the truth of the fact here stated, and upon the authority of intelligent citizens, who resided in Charleston at the time, we pronounce it groundless. The author has given a too credulous ear, and a too willing circulation, to some false or exaggerated report.

In page 425, we have another instance of the levity and rashness, with which Mr. Bristed adopts and retails anecdotes of this sort.

‘Virginia prides itself on the comparative mildness, with which its slaves are treated; and yet, in the first volume of the American Museum there is a heart-rending account of a slave being, for some offence, put into an iron cage, suspended to the branches of a lofty tree, and left to perish by famine and thirst, unless the birds of prey, to admit which, the bars of the cage stood at intervals sufficiently wide, could terminate his life sooner, by plunging their beaks and talons into his vitals. In the mean time the eagle, the vulture, and the raven feasted upon the quivering

flesh of the living victim, whose body they mangled at their own leisure ; and the high-spirited republicans of the ancient dominion were gratified by knowing, that the air was tainted by the putrefaction, and loaded by the expiring cries and groans of an agonized fellow-man, doomed to die by protracted torture.' p. 425.

We have read the original of this story, and it is indeed a 'heart rending account,' far exceeding in horror the faint abstract which Mr. Bristed has presented. But it bears on its face, in every sentence, the unequivocal marks of fiction. And a fiction it undoubtedly is ; for in the American Museum it appears as an extract from Hector St. John's American Farmers' Letters, a production principally of the imagination of the same St. John De Crevecoeur, of whose 'pretended travels' Mr. Bristed speaks not very respectfully in his introductory remarks.

We have room but for one more of Mr. Bristed's accusations ; and that, if true, would denote a state of society so horrible and barbarous, that we can hardly conceive of a fate more pitiable, than that of being compelled to live in such a country.

'Strictly speaking, there is no such thing as social subordination in the United States. Parents have no command over their children, nor teachers over their scholars, nor lawyers nor physicians over their pupils, nor farmers over their labourers, nor merchants over their clerks, carmen and porters, nor masters over their servants. All are equal, all do as they like, and all are free *not to work*, except the master, who must be himself a slave, if he means his business to prosper, for he has no control over any other head, eyes or hands, than his own. Owing, perhaps, to the very popular nature of our institutions, the American children are seldom taught that profound reverence for, and strict obedience to their parents, which are at once the basis of domestic comfort, and of the welfare of the children themselves. Of course, where there is no parental authority, there can be no discipline in schools and colleges. If a preceptor presume to strike, or effectually punish a boy, he most probably loses at least one scholar, perhaps more. And as no inconvenience attaches to a boy's being expelled from school or college, the teachers have no authority, nor learning any honour in the United States.' p. 458.

To those, who know any thing of our social and domestic relations it is unnecessary to say, that the original of this sad picture exists no where, but in the writer's imagination.



Mr. Bristed's style is of the worst kind. He is sometimes coarse, but never simple or natural. His great efforts for the most part rise into the region of bombast, and his common style is never far removed from it. He often makes use of a pert, petulant manner, which has an air of gaiety, and affects to please by its tartness. He attempts to treat things 'in a free and merry way,' and would be thought facetious; but if, according to Isaac Barrow's definition, facetiousness implies 'a nimble sagacity of apprehension, a special felicity of invention, a vivacity of spirit, and reach of wit more than vulgar,' we think Mr. Bristed's humour has not the true marks. We do not discover in his writing any of that pure classical taste, with the want of which he reproaches us Americans.

We shall quote a few passages, all we have room for, in confirmation of these remarks, after noticing Mr. Jefferson's prediction of the ruin of England;

'Thy heart was father, Thomas, to that wish!'—'But nearly forty years have rolled their eventful tide of time, since the sage of Monticello croaked, from out his mountain cavern, this ill-omened prophecy—and the sun of England is *not* set. Nay, has it yet culminated from the equator? Have facts accorded with the sinister forebodings of this inauspicious prophet? Since the utterance of this oracular dirge, has she not broken down the giant strength of revolutionary France; restored the balance of empire to Europe; given peace to an exhausted world; and seated herself upon an eminence of national glory, that casts into shade all the lustre of Greek and Roman fame?' p. 270.

After speaking of the difficulties, with which England has to contend;

'Meanwhile her child and rival, America, is rapidly emerging into unparalleled national greatness; is flaming upwards, like a pyramid of fire; so that all the western horizon is in a blaze with the brightness of its ascending glory.' p. 244.

In page 196, we have the following string of incongruous metaphors;

'And it is full time, that the people of this country should learn the necessity of *ballasting* the speculative projects of the sanguine, the credulous, the precipitate political innovator with the cautious deliberation, the practical wisdom of the experienced, forecasting statesman, of the profound and enlightened judge.

Then, indeed, might the whole Federal Union be melted down into one living body of *national* peace, security, permanent prosperity and power, by the gradual diffusion of a uniform system of municipal law over all the different confederated state sovereignties. It would not then be easy, even for the hydra-headed monster faction herself, to disentangle the warp and the woof, which might be interwoven, thread upon thread, throughout all the texture of society.'

These are by no means the worst passages in the book. We have selected them because they were short. There are besides in almost every page inaccuracies of language and style, such as the following ;

'The whole country is one *continued intersection* of rivers,' (p. 2)—'has caused the star of Napoleon to fade into a dim tinct;' (p. 51)—'felicitous cantagion of liberty,' 'felicitous invention,' 'most felicitous of all the diplomatic transactions,' 'daring and felicitous heroism.' The reader is 'recommended to peruse' Inchiquin's letters; (p. 297)—and 'Congress is recommended to improve' the organization, &c. of the militia; (p. 497)—honest men are called upon 'to *rampire* the Union round about with their bodies;' (p. 213). 'In New York are manufactured wheel carriages of all kinds, *the common manufactories*, refined sugar, &c. and steam-boats.' p. 62.

Mr. Bristed seems to have a particular fondness for counting-house expressions. We meet every where with such phrases as,

'Averaging a fertile soil'—'averaging an increase'—'to average a superiority'—the 'demand' for hypocrisy is said to be in proportion to that for true religion, (p. 414) and exhibitions of great talents always to follow 'the demand for their display;' (p. 488)—'the literary, like every other market, must always be supplied with commodities in quality and quantity proportioned to its demand for merchantable wares;' (p. 311). So too, we read (p. 316) of 'consuming the talent of the country in the effusion of newspaper essays.' There is an occasional coarseness and vulgarity; thus, (p. 46) 'America cannot contend with British manufactures in foreign markets, seeing *they are beat* in the unequal competition at home;' (p. 432)—'learning, &c. have not yet made *much headway* in the west;' (p. 473)—'disseminating the *dead-lights* of infidelity and jacobinism'—and in page 408 we are told 'it sometimes happens that Jehovah himself is *shouldered* from the altar.'

We find in this book, and in the *Resources of the British Empire*, the phrase, 'without a peradventure,' which we can hardly think to be English.

We shall now quote what appears to us to be one of the best written passages in the book, and to describe with considerable liveliness the appearance of our travelling emigrants.

'On the great route towards the Ohio, the traveller has constantly in view groups of emigrants, directing their steps towards the land of promise; some with a little light waggon, covered with a sheet or blanket, and containing bedding, utensils, provisions, and a colony of children, drawn by one or two small horses, and perhaps accompanied by a cow. A few silver dollars also are carried for the purchase of public land, at two dollars an acre, one fourth of the purchase money to be paid immediately upon entering the claim at the land-office of the district, where the purchase is located. The New England pilgrims are said to be known by the light step and cheerful air of the women, marching in front of the family caravan; the New Jersey wanderers by being quietly housed under the tilt of the waggon; while the Pennsylvania emigrants creep, loitering behind, with melancholy gait and slow. A cart with one horse, or a single horse and pack-saddle, transports a family from the eastern to the western section of the Union, a distance of between two and three thousand miles; and, not unfrequently, the adventurer carries all his fortune on his staff, while his wife, bare footed, follows, bearing on her shoulders the treasure of the cradle.' p. 427.

Mr. Bristed's 'eight years' have, we fear, been spent to very little purpose, if they have not been more profitable to himself, than his 'voluminous masses of materials relating to our Federative Republic' are likely to be to the world. He has certainly, however, improved, both in style and matter, since we made our first acquaintance with him as an author, which it was our fortune to do some years since, in the character of a pedestrian traveller into the highlands of Scotland. Two octavo volumes, embellished with an engraving exhibiting at full length our author and his companion in their travelling dress, were the fruit of that tour. The disguise of an American sailor, which Mr. Bristed assumed, betrays his early predilection for this country. His adventures are related in a style of affected humour, and a careflessness to say nothing 'in the simple and plain way,' of which we trace some re-

mains even in this more matured production of the author's genius. We remember little more of them, than that they were generally such, as gentlemen might expect to meet with, who take upon themselves the disguise of vagabonds; that they were arrested as spies at one time, and in want of a night's lodging at another; and that Mr. Bristed was taken for Buonaparte, and was in imminent danger of being married to a Scottish *auld-wife*, whose pity he excited by representing to her, that in America the wives were of all colours from blue to pea-green. At the same time, these jocular tales are interspersed with grave reflections upon society and manners, and a good deal of the same high-sounding talk, that we meet with in the Resources.

We conclude with declaring, that however valuable a citizen may have been acquired in Mr. Bristed, and however zealous he may be for the interest of his adopted country, it is our sincere hope, that this, his intellectual offspring may always be considered alien from our literary community.